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EXAMINER

VINCENT, S

ART UNIT PAPER NUMBER

2765

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/100,223

Applicant(s)

CONMY, DOUGLAS WALTER

Examiner

Steven F Vincent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 June 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Claims 1 to 20 are presented for examination.

#### *Drawings*

2. The drawings filed on June 19, 1998 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- EW*
4. Claims <sup>1, 2, 4-7, 13 AND 17</sup>~~1 to 20~~ are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al (US 6,016,478) filed on August 13, 1996. This patent outlines the Personal Information System from Starfish Software.

#### **Claim 1**

A system for scheduling time intervals for a plurality of users in a networked environment comprising:

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database means for storing a profile for each potential invitee of the system, the invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user, the database means being located at one or more server locations;

*This feature is shown in Zhang in the paragraph starting on column 17, line 65, which states: "In response, the message handler triggers one of several actions, as indicated by step 1105, by invoking more-specific handlers--ones which perform the requested action. Actions include, for example, Schedule New 1105a, Reschedule 1105 B, Cancel 1105c, Minutes of Meeting 1105d, Resource Reservation 1105e, and the like. At step 1106, the parsed information is stored in the group scheduling database (950). From here, the information will also be employed, at step 1107, to update the calendar and/or a resource manager, as needed. Once updating is complete, the method is done. "*

request generating means, located remotely from the server locations, for generating a request for allocation of a time interval for one or more of the plurality of invitee;

*This is shown in claim 1 of Zhang in column 61, line 51 which states:*

*"(c) sending said scheduling invitation to each participant;*

*(d) upon receiving said scheduling invitation, generating an electronic scheduling reply by:*

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*(i) decoding the message format having the highest level of information content suitable for the computer system employed by said each participant,*

*(ii) creating an electronic scheduling reply suitable for automatic processing by said computerized scheduling system of the user, said reply including a response indicating whether said each participant can participate in the event, and*

*(iii) sending said scheduling reply to said user; and*

*(e) upon receiving each participant's scheduling reply, automatically updating the calendar based on the response contained within the scheduling reply."*

busy time determination means for gathering the profiles for the one or more requested invitees and determining whether each of the invitees is available during the time interval requested by the request generating means; and

*Zhang discloses this feature in claim 26 on column 66, line 62.*

graphical user interface means associated with the request generating means for displaying results from the busy time determination means, the graphical user interface means permitting a user to view the results in a manner selected from the group consisting of: displaying those invitees that are available, displaying those invitees that are not available and displaying those invitees whose schedule could not be found.

*This is shown in Fig. 7B of Zhang, which shows the graphical user interface, the busy time determination, and displaying those invitees that are available and not available.*

## **Claim 2**

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The system of claim 1 wherein the user profile stores information on the user's location;  
and

wherein the busy time determination means takes into account the location of the requested event and the user's location when determining that user's busy time.

*Zhang discloses this feature in the paragraph starting on column 5, line 66, which states: "In particular, the present invention allows a user to undertake group scheduling with other "remote" users located at different locations (including those with different time zones), regardless of what particular platform or software applications each of the other users is employing."*

**Claim 4.**

A system for scheduling time intervals for a plurality of users comprising:

one or more databases which store a profile for each potential invitee of the system, the invitee profiles comprising user profiles, wherein each user profile comprises information regarding available and unavailable times for that user, the databases being located at one or more servers;

*This feature is shown in Zhang in the paragraph starting on column 17, line 65, which states: "In response, the message handler triggers one of several actions, as indicated by step 1105, by invoking more-specific handlers--ones which perform the requested action. Actions include, for example, Schedule New 1105a, Reschedule 1105 B, Cancel 1105c, Minutes of Meeting 1105d, Resource Reservation 1105e, and the like. At step 1106, the parsed information is stored in the group scheduling database (950).*

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*From here, the information will also be employed, at step 1107, to update the calendar and/or a resource manager, as needed. Once updating is complete, the method is done. "*

one or more user client systems connected over a network to the one or more servers operating a calendaring system which enables a user to request allocation of a time interval for one or more of the plurality of invitees;

*This is shown in claim 1 of Zhang in column 61, line 51 which states:*

*"(c) sending said scheduling invitation to each participant;*

*(d) upon receiving said scheduling invitation, generating an electronic scheduling reply by:*

*(i) decoding the message format having the highest level of information content suitable for the computer system employed by said each participant,*

*(ii) creating an electronic scheduling reply suitable for automatic processing by said computerized scheduling system of the user, said reply including a response indicating whether said each participant can participate in the event, and*

*(iii) sending said scheduling reply to said user; and*

*(e) upon receiving each participant's scheduling reply, automatically updating the calendar based on the response contained within the scheduling reply."*

wherein the calendaring system gathers the profiles for each of the one or more requested invitees and determines whether each of the invitees is available during the requested time interval; and

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*This is shown in claim 23 of Zhang on column 66, line 26, which discloses how the system determines if participants are available. Claim 26 discloses how the same system can be used for other resources.*

wherein the calendaring system permits the user to view results in a manner selected from the group consisting of: displaying those invitees that are available, displaying those invitees that are not available and displaying those invitees whose schedule could not be found.

*This is shown in Fig. 7B of Zhang, which shows the graphical user interface, the busy time determination, and displaying those invitees that are available and not available.*

**Claim 5.**

A process for scheduling time intervals for a plurality of users comprising:

storing a profile for each potential invitee of the system, the invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user;

receiving a request for allocation of a time interval for one or more of the plurality of invitees;

*This is shown in claim 1 of Zhang in column 61, line 51 which states:*

*“(c) sending said scheduling invitation to each participant;*

*(d) upon receiving said scheduling invitation, generating an electronic scheduling reply by:*



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(i) decoding the message format having the highest level of information content suitable for the computer system employed by said each participant,

(ii) creating an electronic scheduling reply suitable for automatic processing by said computerized scheduling system of the user, said reply including a response indicating whether said each participant can participate in the event, and

(iii) sending said scheduling reply to said user; and

(e) upon receiving each participant's scheduling reply, automatically updating the calendar based on the response contained within the scheduling reply."

gathering the profiles for the one or more requested invitees;

This function is shown in Fig. 9 of Zhang and in the paragraph starting on column 17, line 23 which states: "FIG. 9 is a block diagram providing an overview of the internal architecture of a group scheduling system 900 constructed in accordance with the present invention. The group scheduling system 900 includes a main module 910 comprising a user interface 911, a composer 912, a parser/interpreter 913, an e-mail send/receive interface 914, a calendar interface 915, and an Activities view module 916. The user interface module 911 supports entering, editing, and deleting of group scheduling information. The composer 912 is employed for actually composing a group scheduling message. The message itself, when it is received by another SK client, is parsed and interpreted by the parser/interpreter 913. The e-mail module 914 supports the sending and receiving of e-mail messages and documents, using commercial available e-mail providers. The calendar interface 915 allows the main module or engine

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*910 to communicate with a separate calendar module 920. The Activities view module 916 supports the previously-demonstrated user sessions in Activities View mode of operation."*

determining whether those invitees are available during the requested time interval; and

*This is shown in claim 23 of Zhang on column 66, line 26, which discloses how the system determines if participants are available. Claim 26 discloses how the same system can be used for other resources.*

displaying results by permitting a user to view the results in a manner selected from the group consisting of: displaying those invitees that are available, displaying those invitees that are not available and displaying those invitees whose schedule could not be found.

*This is shown in Fig. 7B of Zhang, which shows the graphical user interface, the busy time determination, and displaying those invitees that are available and not available.*

**Claim 6.**

A computer usable medium having computer readable program code means embodied therein for enabling group calendaring between a plurality of users on a computer system, the computer system comprising a database which stores a profile for each potential invitee of the system, the invitee profiles comprising user profiles, wherein each user profile comprises information regarding available and unavailable times for

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that user, the computer readable program code means in said computer usable medium comprising:

computer readable program code means for causing a computer to receive a request for allocation of a time interval for one or more of the plurality of invitees;

*This is shown in claim 1 of Zhang in column 61, line 51 which states:*

*"(c) sending said scheduling invitation to each participant;*

*(d) upon receiving said scheduling invitation, generating an electronic scheduling reply by:*

*(i) decoding the message format having the highest level of information content suitable for the computer system employed by said each participant,*

*(ii) creating an electronic scheduling reply suitable for automatic processing by said computerized scheduling system of the user, said reply including a response indicating whether said each participant can participate in the event, and*

*(iii) sending said scheduling reply to said user; and*

*(e) upon receiving each participant's scheduling reply, automatically updating the calendar based on the response contained within the scheduling reply."*

computer readable program code means for causing a computer to gather the profiles for the one or more requested invitees;

*This is shown in claim 1 of Zhang in column 61, line 51 which states:*

*"(c) sending said scheduling invitation to each participant;*

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*(d) upon receiving said scheduling invitation, generating an electronic scheduling reply by:*

*(i) decoding the message format having the highest level of information content suitable for the computer system employed by said each participant,*

*(ii) creating an electronic scheduling reply suitable for automatic processing by said computerized scheduling system of the user, said reply including a response indicating whether said each participant can participate in the event, and*

*(iii) sending said scheduling reply to said user; and*

*(e) upon receiving each participant's scheduling reply, automatically updating the calendar based on the response contained within the scheduling reply."*

computer readable program code means for causing a computer to determine whether those invitees are available during the requested time interval; and  
*Zhang discloses this feature in claim 26 on column 66, line 62.*

computer readable program code means for causing a computer to display results by permitting a user to view the results in a manner selected from the group consisting of displaying those invitees that are available, displaying those invitees that are not available and displaying those invitees whose schedule could not be found.  
*This is shown in Fig. 7B of Zhang, which shows the graphical user interface, the busy time determination, and displaying those invitees that are available and not available.*

**Claim 7.**

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The medium of claim 6, further comprising computer readable program code means for taking into account the location of the requested event and the user's location when determining that user's busy time.

*Zhang discloses this feature in the paragraph starting on column 5, line 66, which states: "In particular, the present invention allows a user to undertake group scheduling with other "remote" users located at different locations (including those with different time zones), regardless of what particular platform or software applications each of the other users is employing."*

**Claim 13.**

The system of claim 4, wherein the user profile stores information on the user's location; and wherein the calendaring system takes into account the location of the requested event and the user's location when determining that user's busy time.

*Zhang discloses this feature in the paragraph starting on column 5, line 66, which states: "In particular, the present invention allows a user to undertake group scheduling with other "remote" users located at different locations (including those with different time zones), regardless of what particular platform or software applications each of the other users is employing."*

**Claim 17.**

The process of claim 5, further comprising the step of taking into account the location of the requested event and the user's location when determining that user's busy time.

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*Zhang discloses this feature in the paragraph starting on column 5, line 66, which states: "In particular, the present invention allows a user to undertake group scheduling with other "remote" users located at different locations (including those with different time zones), regardless of what particular platform or software applications each of the other users is employing."*

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 8, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang as applied to claims 1, 4, 5 and 6 above, and further in view of Sisley et al. (US 5,467,268). Sisley disclosed a method for resource assignment and scheduling.

**Claim 3.**

The system of claim 2 wherein the busy time determination unit determines travel time if the locations of the event and the user differ and considers that travel time when determining if the user is available at the requested time interval.

*Zhang discloses a scheduling system but does not disclose the additional functionality of travel time. Sisley discloses the use of travel times in the paragraph starting on column 28, line 27, which states: "The schedule field 244 also includes time blocks 254,*

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*256, 258 representing travel times. Time block 254 indicates the initial travel time, from the beginning of the day, required for the technician to travel from the starting location, or from a location associated with an otherwise unavailable time, to the customer location associated with the first call. Time blocks 256 and 258 represent the travel times that separate the start and completion times of the consecutively scheduled calls indicated by call blocks 238 and 240, and call blocks 240 indicated by call blocks 238 and 240, and call blocks 240 and 242, respectively. The time blocks 256, 258 represent the time required by the technician to travel from a customer location associated with the preceding call to a customer location associated with the next call." It would have been obvious to add this functionality to Zhang to improve the usability of the scheduling software.*

**Claim 8.**

The medium of claim 6, further comprising computer readable program code means for determining travel time if the locations of the event and the user differ and considers that travel time when determining if the user is available at the requested time interval.

*Arguments made in claim 3 are also applicable here.*

**Claim 14.**

The system of claim 4, wherein the calendaring system determines travel time if the locations of the event and the user differ and considers that travel time when determining if the user is available at the requested time interval.

*Arguments made in claim 3 are also applicable here.*

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**Claim 18.**

The system of claim 5, further comprising the step of determining travel time if the locations of the event and the user differ and considering that travel time when determining if the user is available at the requested time interval.

*Arguments made in claim 3 are also applicable here.*

7. Claims 9, 11, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang as applied to claims 1, 4, 5 and 6 above, and further in view of Cree et al (US 4,866,611). Cree discloses a method of reconciling entries on two copies of electronic calendars.

**Claim 9.**

The medium of claim 6, further comprising computer readable program code means for taking into account the user's work hours and non-work hours when determining that user's available and unavailable times.

*Zhang discloses a scheduling system but does not disclose the additional functionality of work hours and available and unavailable times. Cree disclosed in a calendar system a category of Not Normal Work Hours as shown in column 18, line13. It would have been obvious to add this functionality to Zhang to add additional usability.*

**Claim 11.**

The system of claim 1, wherein the user profile stores information on the user's work hours and non-work hours; and wherein the calendaring system takes into account the



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user's work hours and non-work hours when determining that user's available and unavailable times.

*Arguments made in claim 9 are also applicable here*

**Claim 15.**

The system of claim 4, wherein the user profile stores information on the user's work hours and non-work hours; and wherein the calendaring system takes into account the user's work hours and non-work hours when determining that user's available and unavailable times.

*Arguments made in claim 9 are also applicable here*

**Claim 19.**

The system of claim 5, further comprising the step of taking into account the user's work hours and non-work hours when determining that user's available and unavailable times.

*Arguments made in claim 9 are also applicable here*

8. Claims 10, 12, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang as applied to claims 1, 4, 5 and 6 above, and further in view of Schloss et al (US 5,692,125). Schloss disclosed a system of scheduling events using adjustment rules.

**Claim 10.**

The medium of claim 6, further comprising computer readable program code means for assigning values to one or more characteristics and computer readable program code

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means for taking into account the values assigned when determining the user's availability.

*Zhang discloses a scheduling system but does not disclose the additional functionality using characteristics to determine user availability. Zhang allows the user to accept or decline events and does not adjust for other characteristics. Schloss is a scheduling program with adjustment rules as shown in claim 2 and 3 in column 15, line 1, which are able to alter the event. Additional information is shown in Figure 7A. It would have been obvious to add Schloss' functionality to Zhang in order to improve usability.*

**Claim 12.**

The system of claim 1, wherein the calendaring system assigns values to one or more characteristics; and wherein the calendaring system takes into account the values assigned when determining the user's availability.

*Arguments made in claim 10 are also applicable here*

**Claim 16.**

The system of claim 4, wherein the calendaring system assigns values to one or more characteristics; and wherein the calendaring system takes into account the values assigned when determining the user's availability.

*Arguments made in claim 10 are also applicable here*

**Claim 20.**

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The system of claim 5, further comprising the step of assigning values to one or more characteristics and taking into account the values assigned when determining the user's availability.

*Arguments made in claim 10 are also applicable here*

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fu et al. (US 5,845,257) filed on February 29, 1996 and Frid-Nielsen et al. (US 5,519,606) are other Starfish Software patents, which disclose other functionality of the Sidekick software.

Endo (US 5,974,392), filed on February 13, 1996, discloses task allocation system.

Henneuse et al (US 5,963,913), filed on February 28, 1997, discloses scheduling of an event subject to the availability of participants.

Kida (US 5,907,829), filed on January 9, 1997, discloses schedule management system.

Sankar (US 5,867,822), filed on February 2, 1999, discloses a distributed scheduling system.

Fitzpatrick (US 5,774,867), filed on June 30, 1998, discloses a meeting conflict resolution system for electronic calendars.


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven F Vincent whose telephone number is 703-305-9694.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan MacDonald can be reached on 703-305-9708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-1396 for regular communications and 703-308-1396 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.

Steven F. Vincent  
January 28, 2000

  
ERIC W. STAMBER  
PRIMARY EXAMINER